



STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR

DIRECTOR'S REVIEW PROGRAM
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March 16, 2012

TO: Teresa Parsons, SPHR
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Sheila Smith v. Department of Fish and Wildlife (WDFW)
Allocation Review Request ALLO-11-035

Director's Determination

As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits presented during the Director's review conference and the verbal comments provided by both parties. Based on my review and analysis of Ms. Smith's assigned duties and responsibilities, I conclude her position is properly allocated to the Scientific Technician 4 classification.

Background

On February 28, 2011, Ms. Smith submitted a position review request to her supervisor, Mr. Brodie Cox, ITS/AS 6. At that time, Ms. Smith worked in the Fish Science Biological Data Systems organizational unit. In her letter, Ms. Smith requested that her position be reallocated from Research Analyst 2 to Information Technology Specialist 2 (Exhibit A-3).

On May 12, 2011, Ms. Smith's current supervisor, Mr. Steve Thiesfeld, Natural Resource Scientist 3, submitted an updated Position Description form (PDF) to WDFW HR requesting that Ms. Smith's position be reallocated on the basis that she had assumed additional duties from another position that was abolished. (Exhibit B-1(b), B-1(c)).

Effective June 22, 2011, Ms. Smith was officially reassigned to the Fish Management Puget Sound Commercial organizational unit under the supervision of Mr. Thiesfeld (Exhibit B-3(c)).

Ms. Tracy Wolfe, WDFW HR conducted a position review and by letter dated June 22, 2011, notified Ms. Smith that her position was being reallocated from Research Analyst 2 to the Scientific Technician 4 classification, effective May 12, 2011 (Exhibit B-1(k)).

Upon a subsequent request by Ms. Smith and her union representative, Ms. Rhonda Fenrich, Ms. Cynthia Colvin, WDFW HR Director, agreed to conduct a second internal review of Ms. Smith's position which occurred during July, 2011. On August 2, 2011, Ms. Colvin notified Ms. Smith that she agreed with Ms. Wolfe's determination (see Exhibit B-2 for an explanatory note).

On August 18, 2011, the Department of Personnel received Ms. Smith's request for a Director's review of WDFW's allocation determination (Exhibit A-1).

On January 24, 2012, I conducted a Director's review conference. Present for the conference was Sheila Smith, Ronda Fenrich, Attorney, Fenrich & Gallagher, PC; Tracy Wolfe, WDFW Human Resource Consultant, and Cynthia Colvin, WDFW Human Resources Director.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

Ms. Smith's position is designated as the WDFW Statewide Soft Data and Quick Reporting Manager. In the updated PDF submitted for reallocation, Mr. Thiesfeld states Ms. Smith's position oversees the data collection and reporting activities for the agency's statewide commercial catch database ("Statewide soft data system") for sturgeon and salmon. Ms. Smith directs data tabulation and reporting of commercial fisheries harvest information to assist the agency in making fisheries management decisions during the commercial sturgeon and salmon fishing seasons.

He states Ms. Smith's position oversees temporary staff engaged in gathering and entering commercial catch data into the database. Ms. Smith performs a variety of routine technical support tasks including developing front-end queries, running reports, and performing periodic audits to ensure database accuracy. Ms. Smith is responsible for ensuring that accurate and timely information is entered into the system in order to allow timely analysis and use in fisheries management efforts, including enforcement.

He also stated Ms. Smith trains end users in the features and functionality of the system, and identifies, analyzes, and resolves end user system issues and problems. Ms. Smith works with WDFW managers, enforcement staff, commercial buyers and processors, commercial fishers, Northwest Indian Fisheries Commission (NWIFC) staff, and other WDFW staff in a variety of data collection and reporting activities.

Her duties and responsibilities are summarized from the PDF as follows:

- 35% Manage the statewide soft data system by providing routine technical support to ensure in-season data is available for commercial and sturgeon fishery management. Coordinate with Northwest Indian Fisheries Commission staff to assure regular and complete transfer of catch data records.

Perform audit reports to maintain database accuracy when exporting and importing data to and from the NWIFC website, license information fish ticket system (LIFT) and court

orders. Coordinate with WDFW Central and Regional fishery managers to meet their needs for timely updates to the statewide system.

Train Fish Program staff responsible for timely dealer reports and data entry into the in-season catch data system. Explain features and functionality of the system. Enter and audit non-treaty commercial fish catch data in the soft data system. Generate error listings from the commercial fish ticket data system for accuracy checks. Respond to questions from fishers and fish dealers regarding seasons, catch areas, gears, and reporting requirements.

Run custom queries to meet the needs of WDFW Enforcement and Fish Program staff. Run data quality check queries and reports in comparison with the hard fish ticket database system to ensure completeness of commercial fishery data sets. Perform quality assurance and control checks on the data. Update and distribute the user manual for the in-season catch database system.

- 35% Assure complete and accurate data on commercial fish harvest reports. In a timely manner analyze and audit harvest information reported on non-treaty commercial fish dealer invoices (fish tickets) for sturgeon and salmonid species. Calculate mean weight and number of fish and correct incomplete or inaccurate biological data fields. Independently contact fish dealers, commercial fishers, and the agency's Licensing Division to reconcile missing or questionable data. Alert agency enforcement to possible illegal activities as indicated on the fish invoices. Identify data discrepancies and work with Fish Program fishery managers to resolve those discrepancies.
- 15% Supervise temporary staff and assist in receiving, analyzing, entering, and maintaining non-treaty and treaty catch data. Write daily and weekly catch estimate reports (used during in-season management) using relational databases (Access) and spreadsheets (Excel).
- 5% Correspond with commercial fishers and commercial buyers, performing pre-season buyer visits building rapport and educating constituents. Interpret and communicate Washington State WACs. When necessary, work with enforcement in case development.

Summary of Ms. Smith's Perspective

Ms. Smith contends the Information Technology Specialist 2 or Management Analyst 4 class more accurately describes her duties and responsibilities. Ms. Smith asserts she assumed additional information technology responsibilities for the database from an ITS 5 employee when that position was abolished. This includes developing and maintaining documentation, writing end user instructions, assisting with writing, testing, and implementing minor form, query, and report updates, and training staff across the state in the use of the system.

Ms. Smith asserts she works with ITS staff to resolve minor programming issues. She also asserts she resolves end user issues and problems. Ms. Smith contends her database support work requires many of the same skills and abilities that are held by IT Specialists, including working with an ITS/AS 6 employee in her unit to clear up discrepancies between data in the system and actual commercial ticket data.

Summary of WDFW's Reasoning

WDFW contends Ms. Smith's position does not meet the scope of the class series concept for the IT series. WDFW asserts the "soft data system" is an Access database and not a database system. WDFW asserts Ms. Smith's position focuses on data collection rather than support of information technology systems as defined in the IT series class series concept. WDFW asserts Ms. Smith uses information technology as a tool to accomplish her work, rather than performing professional level technical work developing and maintaining the agency's database system(s).

WDFW asserts the Scientific Technician 4 class definition specifically identifies the maintenance of large fisheries management databases. WDFW asserts this class addresses the majority of her work which includes recording and compiling data, organizing and presenting field data in writing, and enlisting the assistance and interest of others in data gathering projects. WDFW asserts her position is properly allocated to the Scientific Technician 4 class.

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Comparison of Duties to Information Technology Series

The Class Series Concept for the Information Technology Specialist series states:

Positions in this category perform professional information technology systems and/or applications support for client applications, databases, computer hardware and software products, network infrastructure equipment, or telecommunications software or hardware.

This category broadly describes positions in one or more information technology disciplines such as: Application Development And Maintenance, Application Testing, Capacity Planning, Business Analysis and/or Process Re-Engineering, Data Base Design And Maintenance, Data Communications, Disaster Recovery/Data Security, Distributed Systems/LAN/WAN/PC, Hardware Management And Support, Network Operations, Production Control, Quality Assurance, IT Project Management, Systems Software, Web Development, or Voice Communications.

Positions which perform information technology-related work to accomplish tasks but are non-technical in nature would not be included in this occupational category. [Emphasis added]

Ms. Smith's position does not meet the intent of the Information Technology (IT) class series.

Incumbents in this series provide professional information technology systems, programming, installation, maintenance and/or systems support in one or more of the IT disciplines identified in the class series concept. The purpose of Ms. Smith's position is not to perform professional

IT support of database systems, but rather to gather, tabulate, analyze and report commercial harvest data in support of the management and monitoring of the state's commercial salmon and sturgeon fisheries.

Ms. Smith's knowledge and use of information technology is secondary to her primary knowledge and application of commercial fisheries harvest data collection and reporting techniques and procedures. A portion of her duties include using her technical knowledge and skill in the use of Microsoft Access to import files, design and write basic database queries, create reports, and develop forms to audit data. Although a portion of Ms. Smith's work involves performing information technology-related work to accomplish her tasks, the focus of her position, and the majority of her duties as a whole, are non-technical in nature and would therefore not be included in this occupational category.

The primary focus of Ms. Smith's position is to plan, organize, schedule and direct the collection of commercial harvest data for the commercial salmon and sturgeon fisheries program. There is another class series which addresses the unique functions she performs related to commercial fisheries data collection and reporting.

Therefore, because the overall focus and majority of duties performed by Ms. Smith in her position do not meet the intent of the Class Series Concept, her position should not be allocated to a class within the Information Technology series.

This is further supported by a Personnel Resources Board (PRB) decision. In Alvarez v. Olympic, PRB No. R-ALLO-08-013 (2008), the Board held that "[w]hen there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class that specifically includes the position. [See Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989)."]

Comparison of Duties to Management Analyst Series

The Class Series Concept for this series state:

Positions in this series analyze management problems, provide consultation, develop strategies, conduct research, formulate recommendations, and coordinate implementation of strategic and long-range planning activities in areas such as business and organizational planning, budgeting, operations, policy issues, and proposed legislation. Incumbents develop and implement processes for monitoring and measuring outcomes of activities.

Ms. Smith's position does not meet the intent of the Management Analyst series. Her position does not have responsibility for analyzing and providing consultation to executive or senior management staff regarding strategic and long-range business and organizational planning activities. Ms. Smith's position does not research, analyze, evaluate and make recommendations regarding multidimensional problems which cross departmental lines such as: agency and/or institution reorganization, implementing legislative directives, developing policies and procedures, developing and implementing new systems, implementing long-range strategic plans, or formulating long range goals and objectives.

For these reasons her position should not be allocated to a class within this series.

Comparison of Duties to Data Compiler 3 (DC3)

The Definition for this class states:

Performs evaluative work including the computing, comparing and reporting of data in support of reports, studies, surveys and forecasts. Prepares narrative reports to accompany data.

The Distinguishing Characteristics for this class state:

This level is differentiated from lower levels in that incumbents are required to evaluate the data in completed statistical reports, graphs, tables and charts according to predetermined guidelines in order to prepare summarized reports. Incumbents are given the scope or intent of the assignment, but they are expected to determine the method to complete it.

This class describes the data collection, evaluation and reporting aspects of Ms. Smith's work involving the in-season commercial catch database. Although this portion of work is generally described by the DC3 class, the overall level of responsibility assigned to her position exceeds this classification. This class does not address the broader scope of administrative responsibility her position has providing specialized technical support to the commercial catch database to assist the agency in making accurate fisheries management decisions during the commercial sturgeon and salmon fishing seasons. For these reasons her position should not be allocated to the DC3 class.

Comparison of Duties to Research Analyst 2

While Ms. Smith's position evaluates data for accuracy and completeness, resolves discrepancies and recommends changes in reporting procedures, her duties do not include performing fully qualified professional research, statistical or data analysis work which includes coordinating and designing research activities as required by the definition of this class. For this reason her position should not be allocated to this class.

Comparison of Duties to Scientific Technician 4 (ST4)

The Definition for this class states:

As the designated project leader, plans, organizes, conducts, and evaluates departmentally recognized technical field projects that support habitat utilization or enhancement, production assessment, or similar studies for an assigned region/area; participates in the development of new tagging methods and supervises tagging operations; monitors commercial and recreational multi-species fisheries in an assigned area and maintain computerized data bases for the fisheries and/or habitat; supervises a region for the salmon Puget Sound Sampling Program; manages the technical staff and activities for a laboratory; manages the State Oyster Reserves; maintains large data bases used for fisheries management. [Emphasis added]

The Scientific Technician 4 class describes the primary focus and overall level of responsibility assigned to Ms. Smith's position. Ms. Smith's position provides technical support to the monitoring of the State's commercial salmon and sturgeon fishery by organizing, maintaining, and reporting statewide commercial catch data. This information is used to ensure accurate in-season data is available for use in WDFW commercial fisheries management activities. Ms. Smith has full responsibility for maintaining the database and serving in a project leadership role for the data collection, data tabulation, and reporting of statewide commercial harvest information.

Ms. Smith coordinates with commercial fishers, fisheries organizations, and others involved in commercial catch data collection activities to ensure regular and complete transfer of catch data records. Ms. Smith trains Fish Program staff responsible for obtaining timely dealer reports and entering data into the in-season catch database. Ms. Smith uses her specialized knowledge of fish species and WDFW commercial fishing requirements to review the harvest data for accuracy. She runs queries and reports in comparison with the hard fish ticket database system to ensure completeness and accuracy of commercial fishery data sets. She reviews and audits dealer reports and monitors and maintains data entry to maintain database accuracy. She coordinates with WDFW fishery managers to meet their needs for timely updates to the statewide system.

Ms. Smith responds to questions from fishers and fish dealers regarding seasons, catch areas, gears, and other reporting requirements. She develops data queries to meet the needs of WDFW Enforcement and Fish Program staff. She has responsibility for updating and distributing the user manual for the in-season catch database.

Ms. Smith is responsible for determining that complete and accurate data is reported on commercial fish harvest reports. She is required to analyze and audit harvest information, calculate data and uses her specialized commercial fisheries knowledge to correct incomplete or inaccurate biological data fields. During the review conference Ms. Smith stated she has responsibility for contacting fish dealers, commercial fishers, and the agency's Licensing Division to reconcile missing or questionable data. She provides information and works with WDFW enforcement staff regarding possible illegal activities, identify data discrepancies and work with Fish Program fishery managers to resolve those discrepancies.

Ms. Smith supervises seasonal temporary staff and directs and provides technical assistance to ensure they enter accurate catch data. She also writes daily and weekly catch estimate reports using Access database information and Excel spreadsheets.

Although a portion of Ms. Smith's duties involves performing information technology-related work, the focus of her position, and majority of her duties as a whole, are more accurately and fully described by the Scientific Technician 4 classification.

A position's allocation is not a reflection of performance or an individual's ability to perform higher-level work. Rather, it is based on the majority of work assigned to a position and how that work best aligns with the available job classifications. Based on the level and scope of the overall duties and responsibilities assigned to Ms. Smith's position, the Scientific Technician 4 classification is the best fit.

When determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be

allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Further, positions are to be allocated to the class which best describes the majority of the work assignment. Ramos v DOP, PAB Case No. A85-18 (1985).

In this case, the majority of the duties assigned to Ms. Smith's position and his level of responsibility are best described by the Scientific Technician 4 classification. Ms. Smith's position should remain allocated to that class.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Sheila Smith
 Tracy Wolfe, WDFW
 Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

Sheila Smith v. WDFW ALLO-10-035

List of Exhibits

A. Sheila Smith Exhibits

1. Director's Review Request form for Sheila Smith, received by Department of Personnel on August 18, 2011.
2. Letter requesting a Director's Review from Sheila Smith to the Department of Personnel, received on August 18, 2011.
3. Memo requesting a position reallocation review from Sheila Smith's to Brodie Cox dated February 28, 2011.
4. Allocation determination letter from Tracy Wolfe to Sheila Smith dated June 22, 2011.
5. Notification letter from Tracy Wolfe to Sheila Smith dated August 8, 2011 regarding supervisor and organizational unit change.

Additional Exhibit added during review conference

6. Emails documenting work performed regarding "QuickSoftData Groups."

B. WDFW Exhibits

Cover letter from Tracy Wolfe to Karen Wilcox dated September 12, 2011 enclosing the following exhibits:

1. Information and exhibit list titled, "Initial Allocation Review" with attachments:
 - a. HR Action Form received from Fish Management program manager requesting reallocation of Sheila Smith's position received by WDFW HR on May 12, 2011.
 - b. Personnel Action Cover Sheet for Sheila Smith reallocation request dated May 12, 2011.
 - c. Position Description form for Sheila Smith, submitted for reallocation by Steve Thiesfeld on May 12, 2011.
 - d. Fish Science Division Organizational chart dated June 2011.
 - e. DOP Class Specification for Research Analyst 2 (501F).
 - f. DOP Class Specification for Research Analyst 3 (501G).
 - g. DOP Class Specification for Data Compiler 3 (100Y).
 - h. DOP Class Specification for Scientific Technician 4 (522H).
 - i. WDFW table titled, "Database Management As A Key Responsibility."
 - j. WDFW table titled, "Scientific Technicians".
 - k. Position Reallocation Request and Appointment Status Decision letter from Tracy Wolfe to Sheila Smith, dated June 22, 2011.

2. Information and exhibit list titled, "Second Allocation Review" with attachments:
 - a. DOP Class Specification for Information Technology Specialist 2 (479J).
 - b. Position Description for Position #70067643.
 - c. Position Description for Position #70067679
 - d. Classification Questionnaire for Position #70067799.
 - e. Position Description for Position #70067843
3. Information and exhibit list titled, "Reorganization"
 - a. Proposed organizational chart for Fish Program – Fish Management Division dated April, 2011.
 - b. HR Action Form for Sheila Smith's position submitted by Steve Thiesfeld and received by WDFW on June 28, 2011
 - c. Letter from Tracy Wolfe to Sheila Smith dated August 8, 2011 regarding supervisor and organizational unit change. (Note: unsigned)

Additional exhibit submitted during review conference

4. Email from Cindy Colvin to Tracy Wolfe dated August 8, 2011 regarding results of her review of Ms. Smith's reallocation request.